

(f) The types of food and appropriate solvents are as follows:

TABLE 1

Types of food	Appropriate solvent
1. Nonacid (pH above 5.0), aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low- or high-fat content.	Water, <i>n</i> -heptane.
2. Acidic (pH 5.0 or below), aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low- or high-fat content.	<i>n</i> -heptane, water, 3% acetic acid.
3. Aqueous, acid or nonacid products containing free oil or fat; may contain salt, and including water-in-oil emulsions of low- or high-fat content.	Water, <i>n</i> -heptane, 3% acetic acid.
4. Dairy products and modifications: Water, <i>n</i> -heptane. i. Water-in-oil emulsions, high or low fat. ii. Oil-in-water emulsions, high or low fat.	
5. Low moisture fats and oils	<i>n</i> -heptane.
6. Beverages: i. Containing up to 8% alcohol ii. Nonalcoholic	8% ethanol/water. 3% acetic acid.
iii. Containing more than 8% alcohol.	50% ethanol/water.
7. Bakery products	Water, <i>n</i> -heptane.
8. Dry solids (without free fat or oil).	No extraction test required.
9. Dry solids (with free fat or oil) ..	<i>n</i> -heptane.

(g) The provisions of paragraphs (c) and (d) of this section are not applicable to the ionomeric resins that are used in food-packaging adhesives complying with § 175.105 of this chapter.

[45 FR 22916, Apr. 4, 1980, as amended at 49 FR 10108, Mar. 19, 1984; 49 FR 37747, Sept. 26, 1984; 53 FR 44009, Nov. 1, 1988; 54 FR 24898, June 12, 1989]

§ 177.1340 Ethylene-methyl acrylate copolymer resins.

Ethylene-methyl acrylate copolymer resins may be safely used as articles or components of articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, the ethylene-methyl acrylate copolymer resins consist of basic copolymers produced by the copolymerization of ethylene and methyl acrylate such that the copolymers contain no more than 25 weight percent of polymer units derived from methyl acrylate.

(b) The finished food-contact article, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of § 176.170(c) of this chapter, yields net chloroform-soluble extractives (corrected for zinc extractives as zinc oleate) in each extracting solvent not to exceed 0.5 milligram per square inch of food-contact surface when tested by the methods described in § 176.170(d) of this chapter. If the finished food-contact article is itself the subject of a regulation in parts 174, 175, 176, 177, 178 and § 179.45 of this chapter, it shall also comply with any specifications and limitations prescribed for it by that regulation.

NOTE: In testing the finished food-contact article, use a separate test sample for each required extracting solvent.

(c) The provisions of this section are not applicable to ethylene-methyl acrylate copolymer resins used in food-packaging adhesives complying with § 175.105 of this chapter.

§ 177.1345 Ethylene/1,3-phenylene oxyethylene isophthalate/terephthalate copolymer.

Ethylene/1,3-phenylene oxyethylene isophthalate/terephthalate copolymer (CAS Reg. No. 87365-98-8) identified in paragraph (a) of this section may be safely used, subject to the provisions of this section, as the non-food-contact layer of laminate structures subject to the provisions of § 177.1395, and in blends with polyethylene terephthalate polymers complying with § 177.1630.

(a) *Identity.* For the purpose of this section, ethylene/1,3-phenylene oxyethylene isophthalate/terephthalate copolymer consists of the basic copolymer produced by the catalytic polycondensation of isophthalic acid and terephthalic acid with ethylene glycol and 1,3-bis(2-hydroxyethoxy)benzene such that the finished resin contains between 42 and 48 mole-percent of isophthalic moieties, between 2 and 8 mole-percent of terephthalic moieties, and not more than 10 mole-percent of 1,3-bis(2-hydroxyethoxy)benzene moieties.

(b) *Specifications*—(1) *Density.* Ethylene/1,3-phenylene oxyethylene isophthalate/terephthalate copolymer

identified in paragraph (a) of this section has a density of 1.33 ± 0.02 grams per cubic centimeter measured by ASTM Method D 1505-85 (Reapproved 1990), "Standard Test Method for Density of Plastics by the Density-Gradient Technique," which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, Philadelphia, PA 19428-2959, or may be examined at the Center for Food Safety and Applied Nutrition's Library, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(2) *Softening point.* Ethylene/1,3-phenylene oxyethylene isophthalate/terephthalate copolymer identified in paragraph (a) of this section has a softening point of 63 ± 5 °C as measured by ASTM Method D 1525-87, "Standard Test Method for VICAT Softening Temperature of Plastics," which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The availability of this material is provided in paragraph (b)(1) of this section.

(c) *Optional adjuvant substances.* Ethylene/1,3-phenylene oxyethylene isophthalate/terephthalate copolymer, identified in paragraph (a) of this section, may contain optional adjuvant substances required in their production. The optional adjuvants may include substances used in accordance with §174.5 of this chapter.

(d) *Limitations.* Copolymer blends described above shall not exceed 30 percent by weight of ethylene/1,3-phenylene oxyethylene isophthalate/terephthalate copolymer. The finished blend may be used in contact with food only under conditions of use C through G, as described in table 2 of §176.170(c) of this chapter, except that with food identified as Type III, IV-A, V, VII-A, and IX in §176.170(c), table 1, the copolymer may be used under condition

of use C at temperatures not to exceed 160 °F (71 °C).

[57 FR 43399, Sept. 21, 1992, as amended at 59 FR 62318, Dec. 5, 1994; 61 FR 14481, Apr. 2, 1996; 62 FR 34628, June 27, 1997]

§ 177.1350 Ethylene-vinyl acetate copolymers.

Ethylene-vinyl acetate copolymers may be safely used as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a)(1) Ethylene-vinyl acetate copolymers consist of basic resins produced by the catalytic copolymerization of ethylene and vinyl acetate to which may have been added certain optional substances to impart desired technological or physical properties to the resin. Subject to any limitations prescribed in this section, the optional substances may include:

(i) Substances generally recognized as safe in food and food packaging.

(ii) Substances the use of which is permitted under applicable regulations in parts 170 through 189 of this chapter, prior sanction, or approvals.

(iii) Substances identified in §175.300(b)(3) (xxv), (xxvii), (xxx), and (xxxiii) of this chapter, and colorants used in accordance with §178.3297 of this chapter.

(iv) Erucamide as identified in §178.3860 of this chapter.

(v) Xanthan gum as identified in §172.695 for use as a thickening agent at a level not to exceed 1 percent by weight of coating solids in aqueous dispersions of ethylene-vinyl acetate copolymers, where such copolymers are used only as coatings or a component of coatings.

(vi) The copolymer of vinylidene fluoride and hexafluoropropene (CAS Reg. No. 9011-17-0), containing 65 to 71 percent fluorine and having a Mooney Viscosity of at least 28, for use as a processing aid at a level not to exceed 0.2 percent by weight of ethylene-vinyl acetate copolymers.

(2) Maleic anhydride-grafted ethylene-vinyl acetate copolymers (CAS